

2007 04 27 Hearing.txt

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
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4 STATE OF OKLAHOMA, ex rel,)
5 W.A. DREW EDMONDSON, in his)
6 capacity as ATTORNEY GENERAL)
7 OF THE STATE OF OKLAHOMA,)
8 et al.)
9 Plaintiffs,)
10 V.) No. 05-CV-329-TCK-SAJ
11 TYSON FOODS, INC., et al.,)
12 Defendants.)

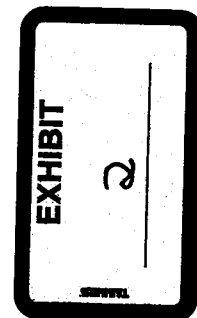
12 TRANSCRIPT OF PROCEEDINGS
13 HAD ON APRIL 27, 2007
14 MOTION HEARING
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17 BEFORE THE HONORABLE SAM A. JOYNER, Magistrate Judge

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19 APPEARANCES:

20 For the Plaintiffs: Mr. Louis W. Bullock
21 Mr. David P. Page
22 Mr. M. David Riggs
23 Mr. Richard T. Garren
24 Mr. David P. Page
25 Mr. Frederick Baker
26 Mr. Robert A. Nance
27
28 For the Defendants: Mr. Robert W. George
29 Mr. John H. Tucker
30 Ms. Theresa Noble Hill
31 Mr. Robert P. Redemann

Glen R. Dorrough
UNITED STATES COURT REPORTER

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1 THE COURT: Well, it's just a surprise to me that we
2 have maybe 20 percent of the production that's never been
3 started and I thought I had orders that it all was going to be
4 finished by April 27. I mean I'm not criticizing only the
5 plaintiffs, the defendants haven't objected either. So I
6 assume maybe they think it's all okay.

7 MR. BULLOCK: And I think the reason for that is that
8 number one we didn't read the order as requiring it the way the
9 Court did, but I don't think any of the parties read it for
10 that reason because if that was the case, these defendants who
11 have not completed their productions of documents, would be in
12 a world of hurt today because while we have various agencies
13 we've yet to put the documents there, they have not completed
14 their production on whole. I don't know there may be one or
15 two of them that have, but I haven't heard from them that we
16 have now complied with July 10th, with your July 10th
17 discovery. And so this is a mutual issue and I think that's
18 the reason why we have read it that way.

19 THE COURT: Okay.

20 MR. BULLOCK: We will live with the same standard as
21 the rest of the world will though and we're prepared to do it
22 how the Court directs and intended to comply.

23 THE COURT: All right. Mr. Tucker, what do you want?
24 Do you want us, just the process? Do you want dates by which
25 you're going to get interrogatories, production and depositions

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1 from these other agencies?

2 MR. TUCKER: That would be good. I will make a
3 representation to the Court that we have completed our hard
4 copy production, Cargill has.

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5 THE COURT: Okay.

6 MR. TUCKER: And that we're in the process now of
7 working with the State on our electronic production.

8 THE COURT: So what have we got left, wildlife,
9 Tourism, Agriculture and Department of Health?

10 MR. TUCKER: Yes, sir, and then the Oklahoma Scenic
11 Rivers Commission was not completed. It needs to be continued.
12 It was partially done, but not completed.

13 MS. HILL: And we have a date for that. We have a
14 date.

15 MR. TUCKER: Ms. Hill says that date has been set.

16 THE COURT: well, I would think maybe the Court would
17 direct you to meet and confer on those issues and if there's any
18 inadequacies, file an application with the Court. And I doubt
19 that we would need to set anything like that down for hearing
20 again. So if there's a failure to cooperate, then let us know
21 and we will rule.

22 MR. TUCKER: Thank you, sir.

23 THE COURT: But I don't want to -- so we will just
24 order a meet and confer on any remaining discovery from
25 Wildlife, Tourism, Agricultural and Department of Health. And

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1 do you want me to put the Scenic Rivers Commission in here.

2 MR. HAMMONS: Your Honor, that has already been set
3 for May 8th or 9th -- 9th and 10th.

4 THE COURT: Okay. Do you want -- well, I will just
5 let you meet and confer. I mean, we can try to get some dates
6 today but...

7 MR. TUCKER: Your Honor, we will meet and confer and
8 if there's problem we'll advise the Court.